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HIGH COURT OF CHHATTISGARH : BILASPUR

Single Bench: Hon'ble Shri Dilip Raosaheb Deshmukh, J.

M.A.(C) No. 1254 of 2007

Appellant : Santosh Kumar Gupta, aged about 55
Owner years, S/o Late Vasudev Gupta, R/o
Main Road, Kargi Road Kota, P.S. &
Tahsil Kota, District Bilaspur (CG)

Versus

Respondents : 1. Piluram Dhruve, S/o Dhan Singh
Dhruve, aged about 22 years, R/o
Village Marhikapa, Post Kargikhurd,
P.S. & Tahsil Kota, District Bilaspur
(CG)

(Claimant)

: 2. M/s. Jalaram Transport, through
Owner/Proprietor Bharat Khanderiya,
S/o Late C.L. Khanderiya, aged
about 44 years, R/o C.M.D. College
Chowk, Bilaspur, Tahsil and District
Bilaspur (CG)

(Legal Representative)

: 3. The Oriental Insurance Company
Limited, Through Branch Manager,
Opposite High Court, Bilaspur (CG)

(Insurer)

: 4. Pappu Das Panika, S/o Mohan Lal
Panika, aged about 40 years, R/o
Village-Bhelwatikari (Belgahna)
Chowk Belgahna, P.s. Kota, District
Bilaspur (CG)

(Driver)

Miscellaneous appeal under Section 173 of the Motor Vehicle
Act, 1988

Present: Goutam Khetrapal, counsel for the appellant.

ORAL ORDER

(Passed on 02.11.2007)

Learned counsel for the appellant prayed for withdrawal of the
appeal on the ground that by the impugned award dated 31.08.2007



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in claim case No.17/2006, the learned IInd Additional Motor Accident Claims Tribunal, District Bilaspur (CG) has primarily fixed the liability to pay compensation on the Insurance Company and has not given the right to the insurance company to recover the same from the owner. It was further submitted that the Insurance Company has not preferred any appeal so far and therefore, he would like to withdraw this appeal at this stage reserving his right to prefer an appeal if the insurance company prefers an appeal against the impugned award.

2. Submission is considered. Reserving the aforesaid liberty as prayed, the appeal is dismissed as withdrawn.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Priya